

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL OF )  
GREATER ST. LOUIS AND VICINITY, )  
et al., )  
 )  
Plaintiffs, )  
 )  
vs. ) Case No. 4:09CV1152 AGF  
 )  
AG ENERGY RESOURCES, INC., )  
 )  
Defendant. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' Motion for Default Judgment against Defendant AG Energy Resources, Inc. Plaintiffs filed this action on July 21, 2009, under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132 and 1145, and the Labor Management Relations Act, 29 U.S.C. § 185. The complaint alleges that Defendant failed to fully pay several employee benefit funds the contributions due under the collective bargaining agreement between Defendant and its employees' union. Plaintiffs are the union and the trustees, sponsors, and/or fiduciaries of the various funds.

On September 2, 2009, Plaintiff filed a Motion for Entry of Default and a Motion for Default Judgment. On September 3, 2009, the Clerk of Court entered an order of default against Defendant. In the Motion for Default Judgment, Plaintiffs seek judgment against Defendant for the delinquent contributions to the funds for the months of December 2008 and January 2009 in the total amount of \$11,669.88,<sup>1</sup> which consists of \$9,155.42 in delinquent contributions, \$1,831.08 in liquidated damages, and \$683.38 in

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<sup>1</sup> Plaintiffs erroneously set forth this amount in their motion as \$11,669.89.

interest. Plaintiffs also seek, under the collective bargaining agreement, \$375.00 in legal fees and \$686.50 in costs.

Plaintiffs have provided documentation supporting their assertion that they are entitled to these amounts. Upon review of the record,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for Default Judgment is **GRANTED**. [Doc. # 8 ]

An appropriate Default Judgment showing Defendant's liability of \$12,731.38 shall accompany this Memorandum and Order.

  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of October, 2009.